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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,353	06/12/2001	Yasuhiro Toguri	09812.0574-00000	3903
22852 7590 07/20/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER SHEPARD, JUSTIN E	
			ART UNIT 2623	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/879,353

Applicant(s)

TOGURI, YASUHIRO

Examiner

Justin E. Shepard

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/23/07 have been fully considered but they are not persuasive.

Page 16, paragraph beginning with "On pages 2-3":

The applicant indicates that the language used by the examiner was not clear. The examiner apologizes, claims related to claim 1 are the claims rejected using the same grounds of rejection.

Page 17, paragraph beginning with "Without":

The applicant argues that the examiner is incorrect with the objection of claim 1 (as well as the related claims) and that the examiner cannot insert his own interpretation when there is no basis for this interpretation. In reading the applicant's response and rereading the claim, the examiner is still unable to understand the function of the invention. In the previously objected paragraph states that the contents data and the individual data is transmitted to the other device, while in the next paragraph the contents data is delivered with the extracted general additional information and the extracted individual information. As the claim language is still unclear, the objection stands. Also, when the claim language is unclear the examiner is able to make a reasonable interpretation of the limitations so an art rejection can be made.

Page 18, last paragraph (continuing to page 19):

The applicant argues that Goldman does not meet the limitation of individual additional information. As the portion cited by the examiner (column 8, lines 6-13) discloses information relating to television programming, this is interpreted as being equivalent to information associated with the contents data as a whole.

Page 19, paragraph beginning with "Claim 1":

The applicant lists a plurality of limitations that Goldman does not meet. The examiner has reviewed the previous office action and has found that these limitations have been met. There seems to be an issue of interpretation, which can arise due to broadly written claim language.

Page 20, paragraph beginning with "Although":

See the above response.

Claim Objections

Claim 1 and the related independent claims are objected to because of the following informalities: The third to last paragraph of the claim is unclear to the examiner. See the arguments above for clarification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 6-8, 10-16, 19-22, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldman.

Referring to claim 1, Goldman discloses an information processing apparatus for delivering contents data via a network to another apparatus (column 4, lines 45-48) comprising:

first registration means for registering general additional information regarding said contents data (column 9, lines 20-21),

said general additional information comprising at least one of time or date of filming a video scene of said contents data, an explanation of a scene, title to background music, contents ID, general purpose additional information ID, part covered by additional information, name covered by additional information, segment number, scene number, object number, and additional information classification (column 9, lines 24-26);

second registration means for registering individual additional information of said contents data on the basis of at least said contents data (column 8, lines 6-13):

wherein said individual additional information comprises overall individual additional information which is associated with the contents data as a whole, segment individual additional information which is associated with one of a plurality of segments of the contents data, and scene individual additional information associated with one of a plurality of scenes in contents data (column 8, lines 6-13);

storage means for storing said general additional information registered by said first registration means (figure 3B, part 170) and said individual additional information registered by said second registration means (figure 3B, part 154');

extraction means for extracting said general additional information and said individual additional information stored in said storage means if a delivery request for contents data is received from the other apparatus (column 4, lines 50-57),

wherein said individual additional information is extracted on the basis of user information comprising at least one of user usage status (column 8, lines 6-13) and user usage classification;

generation means for generating individual data to be transmitted to said other apparatus from said general additional information and said individual additional information extracted by said extraction means (column 9, lines 46-50); and

transmission means for transmitting said contents data and said individual data generated by said generation means via said network to said other apparatus, to enable said contents data, said general additional information and said individual additional information to be simultaneously displayed on a display screen at said other apparatus (column 9, lines 50-55);

whereby said contents data is delivered together with said extracted general additional information and said extracted individual additional information in response to a request for usage generated by said other apparatus (column 9, lines 46-55),

said extracted general additional information and extracted individual additional information being generated by selecting from a database of additional information according to said request (column 9, lines 20-26).

Claims 6, 7, 8, and 16 are rejected on the same grounds as claim 1.

Referring to claim 10, Goldman discloses an information processing method as defined in claim 6 wherein said additional information and said individual additional information are each registered for each segment, scene or object appearing within said contents data (column 9, lines 20-26; Note: each advertisement being selected separately is interpreted as being equivalent to the information being registered spilt per object appearing within said contents data).

Claims 12 and 14 are rejected on the same grounds as claim 10.

Referring to claim 11, Goldman discloses an information processing method as defined in claim 10 wherein said individual additional information is registered for each object within said contents data (column 9, lines 20-26).

Claims 13 and 15 are rejected on the same grounds as claim 11.

Referring to claim 19, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said explanation of a scene (column 8, lines 46-55; Note: the advertisement selection criteria is interpreted as being equivalent to a scene explanation as it would give an explanation of which profile would be interested in that advertisement).

Referring to claim 20, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said general purpose additional information ID (column 8, lines 46-55).

Referring to claim 21, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said part covered by additional information (column 8, lines 46-55).

Referring to claim 22, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said name covered by additional information (column 8, lines 46-55).

Referring to claim 25, Goldman discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said additional information classification (column 8, lines 46-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman.

Referring to claim 9, Goldman does not disclose an apparatus as defined in claim 1, wherein said general additional information includes at least an object number representing an object appearing within said contents data.

The examiner takes Official Notice that it is notoriously well known in the art to use a number to identify information stored in a computer system.

At the time of the invention it would have been obvious for one of ordinary skill in the art to add a number id to the apparatus disclosed by Goldman. The motivation would have been to enable quicker indexing that would allow for better system performance.

3. Claims 2, 5, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman in view of Khoo.

Referring to claim 2, Goldman does not disclose an information processing apparatus as defined in claim 1, further comprising: recording means for recording charging information on the basis of said individual data generated by said generation means.

Khoo discloses an information processing apparatus as defined in claim 1, further comprising: recording means for recording charging information on the basis of said individual data generated by said generation means (column 13, lines 20-25; figure 2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the commercial avoidance charge taught by Khoo to the system disclosed by Goldman. The motivation would have been to enable customers to skip commercials without the content provider losing out on revenue.

Claim 17 is rejected on the same grounds as claims 1 and 2.

Referring to claim 5, Goldman does not disclose an information processing apparatus as defined in claim 17, wherein said updating charging information updates charges to at least an end user for use of said contents data and/or individual metadata on the basis of said generated individual metadata.

Khoo discloses an information processing apparatus as defined in claim 17, wherein said updating charging information updates charges to at least an end user for use of said contents data and/or individual metadata on the basis of said generated individual metadata (column 13, lines 20-25; figure 2).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the commercial avoidance charge taught by Khoo to the system disclosed by Goldman. The motivation would have been to enable customers to skip commercials without the content provider losing out on revenue.

4. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman in view of Herz.

Referring to claim 18, Goldman does not disclose an information processing apparatus as defined in Claim 1, wherein said general additional information comprises the time or date of filming a video scene of said contents data.

Herz discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises the time or date of filming a video scene of said contents data (column 10, lines 32-36).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the filming date taught by Herz to the system disclosed by Goldman. The motivation would have been that advertisements that have the same corresponding dates as requested content would be more likely to interest the user.

5. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman in view of Campbell.

Referring to claim 23, Goldman does not disclose an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said segment number.

Campbell discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said segment number (column 13, lines 64-68).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the segment number taught by Campbell to the system disclosed by Goldman. The motivation would have been to enable the indexing of the content to be quicker to search and sort.

Referring to claim 24, Goldman does not disclose an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said object number.

Campbell discloses an information processing apparatus as defined in Claim 1, wherein said general additional information comprises said object number (column 13, lines 64-68).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the object number taught by Campbell to the system disclosed by Goldman. The motivation would have been to enable the indexing of the content to be quicker to search and sort.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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